

03-05-02

02/28/02  
13062 U.S. PRO

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 35718/242990(3718-198)
	First Inventor or Application Identifier: Simmons
	Title of Invention: NUCLEIC ACIDS ENCODING DEFENSE INDUCIBLE PROTEINS AND USES THEREOF
	Express Mail Label No. EL868641049US

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ADDRESS TO: **BOX PATENT APPLICATION**  
**U.S. PATENT AND TRADEMARK OFFICE**  
**P. O. BOX 2327**  
**ARLINGTON, VA 22202**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Carl R. Simmons

Assignee of this invention is Millennium Pharmaceuticals

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$740
TOTAL CLAIMS:	12 - 20 =	0	X 9 = \$0	x 18 = \$0
INDEP CLAIMS:	2 - 3 =	0	X 42 = \$0	x 84 = \$0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$	+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 740

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
- ☒ A check in the amount of \$ 740.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 84
4. ☐ — Sheets of Drawing(s) (35 USC 113)
5. ☐ Declaration and Power of Attorney; [Total Pages —]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
 (for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a. ☒ Computer Readable Copy (CRF)  
b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing  
under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)  
c. ☒ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☒ Paper (14 Pages)  
d. ☒ Statement verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)  
10. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☐ Power of Attorney  
11. ☐ English Translation Document (*if applicable*)  
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; \_\_\_ Copies of IDS Citations  
13. ☐ Preliminary Amendment  
14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
☐ Foreign Priority is claimed as Application No. , filed  
16. ☐ Non-publication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB35 or its equivalent.  
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.  
18. **If a CONTINUING APPLICATION**, check appropriate box and supply the requisite information below  
and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:  
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)  
of prior Application No: \_\_\_; Filed

Prior Application Information: Examiner

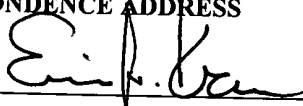
Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS**

**CUSTOMER NUMBER 00826**

Signature:

  
Attorney of Record: Eric J. Kron  
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#### CERTIFICATE OF EXPRESS MAILING

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Date of Deposit February 28, 2002  
I hereby certify that this paper or fee is being deposited with the  
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Nora C. Martinez

RTA01/2112735v1

Attorney's Docket No. 35718/242990(5718-198)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons  
Appl. No.: Not Assigned  
Filed: Concurrently Herewith  
For: NUCLEIC ACIDS ENCODING DEFENSE INDUCIBLE  
PROTEINS AND USES THEREOF

Confirmation No.: Not Assigned

**STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

U.S. Patent and Trademark Office  
Box Patent Application  
P.O. Box 2327  
Arlington, VA 22202

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

Respectfully submitted,



Eric J. Kron

Attorney for Applicant

Registration No. 45,941

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Date of Deposit: February 28, 2002

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Nora C. Martinez